

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference BR 2857 PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/DE2004/002450	International filing date (<i>day/month/year</i>) 05.11.2004	Priority date (<i>day/month/year</i>) 11.11.2003
International Patent Classification (IPC) or national classification and IPC F16J15/14, F16J15/32, F16J15/4, C09J11/08		
Applicant FEDERAL-MOGUL SEALING SYSTEMS BRETTEN GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-5 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-10 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/1 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>7, 10</u>	YES
		Claims <u>1-6, 8, 9</u>	NO
	Inventive step (IS)	Claims <u>7</u>	YES
		Claims <u>1-6, 8-10</u>	NO
	Industrial applicability (IA)	Claims <u>1-10</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
	This report makes reference to the following documents:		
	D1: US-A-6 007 069 (SADOWSKI ET AL), 28 December 1999		
	D2: DE 29 18 787 A1 (GOETZE AG; GOETZE AG, 5093 BURSCHEID, DE), 13 November 1980		
	<u>I. Novelty and inventive step:</u>		
	I.1 Independent claim 1:		
	The present application does not meet the requirements of PCT Article 33(1) because at least the subject matter of independent claim 1 is not novel (PCT Article 33(2)).		
	Document D1 discloses all the features of this claim, namely (the references in parentheses are to that document) a sealing element (218) which contains at least one housing zone (246, 248), at least one dynamic sealing zone (219) and at least one static sealing zone (226) which interacts at least partially with the housing zone (246, 248; see figure 1), the static sealing zone (226) being at least partially covered with a hardenable		

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	<p>substance which contains a predeterminable proportion of friction-reducing elements (see column 5, lines 8-17).</p> <p>Likewise, D2 also discloses all the features of this claim (see the passages indicated in the search report). In D2, a synthetic resin solution is <i>sprayed</i> onto a first layer, then cured in an oven (see page 5, lines 23-26). That solution therefore consists of a hardenable substance; in a device claim, the fact that the covering layer is hardened already before the sealing element is mounted is not relevant.</p> <p>The friction-reducing elements can be derived from D2 (claim 4 and page 4, lines 7-9, of the description).</p> <p>I.2 Dependent claims 2-6 and 8-10</p> <p>Dependent claims 2-6 and 8-10 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT novelty and inventive step requirements; see documents D1 and D2 and the corresponding passages indicated in the search report.</p> <p>In relation to claim 10, it is also pointed out that static sealing zones with profiled shapes in radial shaft sealing rings are generally known to a person skilled in the art.</p>

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I.3	<p>Dependent claim 7:</p> <p>The combination of features in dependent claim 7 is neither known from nor suggested by the available prior art. The available prior art does not disclose a sealing element in which the static sealing zone is covered with a hardenable coating as per claim 7, and does not prompt a person skilled in the art to use this type of assembly.</p> <p><u>II. Industrial applicability:</u></p> <p>The subject matter of claims 1-10 can be produced and used and is therefore considered industrially applicable.</p>